

A Public Hearing was held November 6, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Approximately (48) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to consider the new contract for the year 2004 with the Marilla Fire Company. The following general terms of said new contract shall be for fire protection to the Town of Marilla Fire Protection District:

- (a) The Marilla Volunteer Fire Company shall answer and attend all fire calls in said District.
- (b) For such services, the Marilla Volunteer Fire Company shall be paid a sum of \$203,825.00.
- (c) The Marilla Volunteer Fire Company shall maintain and operate its fire station at West Avenue, Marilla, New York.
- (d) The Marilla Volunteer Fire Company shall insure all of its equipment against all liability and shall protect the Town of Marilla from liability for any accident in which any fire company vehicle may be involved.
- (e) This contract shall continue until December 31, 2004.
- (f) Such other incidental terms as may be necessary or proper.

Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:34 p.m.

Respectfully Submitted,

\_\_\_\_\_ Town Clerk

A Public Hearing was held November 6, 2003 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Proof of publication in the Alden Advertiser, the Elma Review and the East Aurora Advertiser as well as posting it on the Official Bulletin Board of the Town was presented by the Town Clerk. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Approximately (48) persons were in attendance. Supervisor Foss stated that the Public Hearing was called to order. The purpose of the hearing was to review the Preliminary Budget for the year 2004 and to give citizens an opportunity to express their views concerning the budget or any part therein. Supervisor Foss asked if there were any interested persons who desired to be heard. Hearing no comments from those in attendance, the hearing was closed at 7:40 p.m.

Respectfully Submitted,

\_\_\_\_\_ Town Clerk

A Regular Meeting of the Marilla Town Board was held November 6, 2003 at 7:41 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

An award ceremony to honor three Eagle Scouts; Daniel Russell, Daniel Gowanlock, and Matthew Brem was given.

### **Communications**

The Marilla Fire Company is requesting a street light to be put at the driveway entrance of their carnival grounds.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that the salt shed is full. The Handy shelter's floor at the Town Park was re-black topped. He reported that Bullis Road will be open the middle of next week. He also stated that he was not happy with the black top work done by a private contractor on Three Rod Road.

Councilman Gingerich reported that the Marilla Veteran's parade will be at 1:00 pm on Sunday, November 9<sup>th</sup>, parade participants will line up at the Fire Garage. He believes this year there are about 24 groups and 4 bands participating, there will be free hot dogs and refreshments for participants. He stated that the Sesqui-Centennial Committee met on October 29<sup>th</sup> and everything is on schedule. The next CAB Meeting will be held on November 11<sup>th</sup> at 7:30 pm.

Councilman Spanitz reported that the Marilla Memorial Pavilion is done, with the walkway and lights, it takes you back in time, it looks beautiful. The electric lights which look like gas lights were donated by NYSEG. The Committee has done a wonderful job.

Councilman Specht wanted to comment to the Eagle Scouts that some day they will look back at their leaders and thank them.

Councilman Gertz wanted to state that one of the Eagle Scouts awarded tonight, Matthew Brem is also a Volunteer Firefighter and is doing a really good job. He reported that he attended a Disaster Coordinators Meeting last month and the final Disaster Mitigation Plan has been submitted to the Federal level of FEMA. The Disaster program is just about finished and should be out shortly.

Supervisor Foss reported that the Towns General Fund and Sanitation cash flows are about the same as last year and should come thru the year in good shape. The Highway Department is down due to last years winter and other increased costs and is being addressed in next years budget. The Pavilion sidewalk is finished and paper work is mostly complete to receive grant funds of up to \$25,450 from CD funds. The electric part is also completed with the new lamp posts donated by NYSEG thru Paul Domanowski; and we thank them very much. Seeding of the lawn will be done in the spring when weather allows. I think the final product looks great and I thank the Pavilion Committee for doing such a great job designing the project. The Christmas Tree Lighting Ceremony will be held December 6<sup>th</sup> in the Town Hall and Community Center area. I know the Kiwanis have a great program planned and it again should be a wonderful event.

### **Open Board Presentation From the Public**

Roseanne Hartman, Troop Leader of Brownie Troop 96 asked permission for a sleep over at the Community Center in February on a Friday night.

Supervisor Foss responded that the Town Board had already set a precedence and allowed a previous group to have a sleep over, it just has to be scheduled through the Town Clerk's Office.

### **Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the Minutes from the Regular Board Meeting held on 10/9/2003 and the Special Meeting held on 10/20/03.  
Motion Carried.

### **New Business**

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve a resolution honoring Matthew R. Brem, Daniel W. Gownalock and Daniel Russell for having completed the requirements for, and having been examined by an Eagle Scout Board of Review, were found worthy of the rank of Eagle Scout.  
Roll Call Vote:

Supervisor Foss – aye	Councilman Spanitz – aye
Councilman Specht – aye	Councilman Gertz – aye
Councilman Gingerich – aye	

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to authorize the Supervisor to sign the Firemen's Contract for the Year 2004 in the amount of \$203,825.00. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adopt the preliminary budget as the final budget for 2004.  
Roll Call Vote:

Supervisor Foss – aye	Councilman Spanitz – aye
Councilman Specht – aye	Councilman Gertz – aye
Councilman Gingerich – aye	

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Greater East Aurora Chamber of Commerce Business-Tourism Council work to promote retail growth to the businesses in the communities of Aurora, Colden, East Aurora, Elma, Holland, Marilla and Wales, through its marketing and promotion efforts, and

WHEREAS, the Business-Tourism Council is conducting its second annual Christmas Holiday Shopping Promotion to encourage visitors and residents alike to support our local businesses this holiday season, and

WHEREAS, the Chamber's holiday promotion was embraced to strengthen the businesses that make up and support our community throughout the year and that add to our community's quality of life.

NOW, THEREFORE, the Marilla Town Board proclaims the holiday period between November 28 and December 23 as "Discover the Warmth that is Our Hometown" and encourages all its residents to support their local businesses during this holiday season.  
Motion Carried.

- Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the request from the Marilla Fire Company to have a street light put at the driveway entrance to their carnival grounds. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gingerich to set the application fee for Golf Courses at \$450. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to authorize expenditures up to \$500 for Veteran's Day Activities. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the contract with Friend Laboratory Inc. for landfill testing at a cost per year not to exceed \$8,903 for the next three years. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution for Water District no. 5:

WHEREAS, the Town Board of the Town of Marilla has determined that it wants to proceed with the creation of Water District No. 5; and

WHEREAS, the Town Board has caused the Town Engineers to prepare a long form EAF statement in connection with the proposed creation of the district; and

WHEREAS, the Town Board has determined that the proposed action is a Type I Action under SEQRA and therefore a coordinated review should be conducted.

WHEREAS, the Town of Board of the Town of Marilla believes that the Town of Marilla is the agency primarily responsible for undertaking decisions as to the creation of the proposed district, is the agency with the broadest governmental powers for investigating the impact of the proposed action and has the greatest capacity for providing the most thorough environmental assessment of the proposed action the most local agent with permitting authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town Board has determined that the proposed creation of Water District No. 5 is a Type I Action under SEQRA.

1. The Town Board has determined that it should be the lead agency for all environmental review of the proposed local law.
2. The Town Board directs that the Town Clerk of the Town of Marilla with the assistance of the Town Engineers and Town Attorney send the required notice with all required attachments to all other interested agencies about the proposed action and the determination by the Town of Marilla of its desire to act as lead agency under SEQRA.
3. This resolution shall take effect immediately.

Roll Call Vote:

Supervisor Foss – aye

Councilman Spanitz – aye

Councilman Specht – aye

Councilman Gertz – aye

Councilman Gingerich – aye

Motion Carried.

- Motion: Councilman Gingerich moved, seconded by Councilman Specht to set the date of the public hearing for Water District No. 5 for December 11<sup>th</sup> at

7:30 pm. Motion Carried.

Supervisor Foss announced that the Town Hall would be closed on Friday, November 28<sup>th</sup> and Friday, December 26<sup>th</sup>. Settlement Night would be Tuesday, December 30<sup>th</sup> at 7:30 pm.

### **Report of Town Officials**

Building Inspector John Fronczek submitted a written report with 13 building applications received with fees totaling \$1,077, 13 building permits issued with a total value of \$346,400.00, 13 inspections were made and 2 complaints were acted on. There were a total of 154 activities.

Building Inspector read the following statement:

The following report pertains to a complaint against me, John Fronczek, CEO, from the October, 2003 monthly report. I was reported to the N.Y. State Department of State Building Codes Division, Buffalo Regional Office, as having been harassing a property owner on Williston Road in the matter of demolition and cleanup of his property due to the dwelling being totally destroyed in a fire, and my efforts to have this property cleaned up.

On October 20, 2003 I met with the Regional Engineer, representing the N.Y. State Codes Division. He examined and read all of the correspondence between the property owner and myself regarding the demolition and cleanup of this property; also the notices sent and prepared by the Town Attorney's office. His conclusions were that all proper procedures were taken and our Dept. of Building Codes allowed ample time for the demolition to take place providing the owner with sufficient time to clean up the property. He stated that it would be proper for the Town of Marilla at this time to proceed with the demolition and clean up of this person property.

Planning Board minutes were received and posted, the next meeting will be held on November 20<sup>th</sup>.

CAB minutes have been received and posted.

The Marilla Fire Company wanted to thank the Town Board for their support and remind residents that the Ladies Auxiliary is hosting a meat raffle on November 15<sup>th</sup> at 6:30 pm.

Town Historian Hubert Kutter stated that he had completed the annual report for the State. The Historical Society now has new officers: Mary Beth Serafin, President and Mike Petrinec as curator. He also wanted to thank Diane Fronczek for the great job she did as past president.

### **Open Board Presentations**

Councilman Spanitz commented that it was nice the Scouts are here and stayed for the entire meeting.

Supervisor Foss thanked all of the people that worked on the new Pavilion; the Pavilion Committee, the Veteran's, Zoladz, PVD Landscaping, Marilla Electric, Steve Tait, the Highway Department, NYSEG for the lights. He also congratulated all of the successful candidates from Tuesdays election.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Specht moved, seconded by Councilman Spantiz to approve the claims as follows:

General Fund Claims, Vouchers 474-534	\$	34,461.46
Highway Fund Claims, Vouchers 175-185	\$	16,170.81
Special Districts		
Sanitation (SR), Vouchers 115-123	\$	14,286.95
Special Lighting, Vouchers	\$	.00

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Special Fire, Voucher	\$	.00
Water District #2, Vouchers 32	\$	2,267.34
Water District #3, Voucher 13	\$	1,231.19
Water District #4, Vouchers 11	\$	743.59
Community Develop. PACE voucher	\$	.00
Community Develop. HUD vouchers 1-3	\$	15,298.50

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to adjourn at 8:10 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman